



Speech By
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MEMBER FOR MAIWAR

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**POLICE POWERS AND RESPONSIBILITIES (JACK'S LAW) AMENDMENT BILL;
POLICE SERVICE ADMINISTRATION AND OTHER LEGISLATION AMENDMENT
BILL (NO. 2)**

Mr BERKMAN (Maiwar—Grn) (4.44 pm): I will use what little time I have in this cognate debate to first register my objection—as usual—to bills like this being debated in cognate. I will use my time to outline my concerns that the Police Service Administration and Other Legislation Amendment Bill (No. 2) will not go far enough to stop the rot in Queensland's Police Service and that the Jack's Law bill will expand police powers and derail more people's lives for nonviolent offences without actually achieving the very worthy aim of reducing knife crime to prevent further tragedy.

This government's response to both community feedback and formal inquiries into police misconduct is characteristically dismissive. For example, it has been more than two years since the CCC published its Operation Impala report, which recommended the government introduce a bright-line offence for inappropriately accessing confidential information. Instead of implementing this offence, this bill merely expands the application of the existing inadequate offence for disclosing or misusing confidential information to persons such as contractors and increases the related penalties.

It is not unreasonable to expect that police officers refrain from accessing information that they are not authorised to access. The government's failure to implement even this most straightforward of recommendations from the CCC suggests serious contempt for the people of this state, for our oversight bodies and for the victims of police misconduct and crime. There are good reasons why the Crime and Corruption Commission makes the recommendation that it does. The inquiry into QPS responses to domestic and family violence highlighted one instance where an officer accessed the details of a domestic violence complainant and then went to her place of work, where he requested a massage from her. In another high-profile case of egregious misconduct, Senior Constable Neil Punchard deliberately leaked details of a domestic violence victim to her abusive ex-partner. The senior constable texted his friend the confidential details of his friend's ex-partner, who had a number of domestic violence orders in place. In the text message, Senior Constable Punchard said—

She will be pissed ... tell her you know where she lives ... Lol.

In another he told the abuser—

The police will contact you if they want to speak to you ... then you give them my name. This is your get-out-of-jail-free card.

QPS took no action. Senior Constable Punchard remained on active duty for two years and no charges were laid until outside pressure calling for action made a continuing cover-up untenable. Even when Senior Constable Punchard was charged, he continued receiving a pay cheque. We will come to the absolute inadequacy of police disciplinary procedures in a moment, but it is important that we recognise the impact this misconduct had. The senior constable's friend—the abusive ex-partner—went on to use the information he received to threaten his victim, saying that he would kill her and strap

bombs to their children. The victim had to move house a further two times due to the improper disclosure of her information to her violent ex-partner by police. In speaking out about police misconduct the victim said—

I have no faith left that the Queensland police can protect me. Officers have tried to minimise the domestic violence, and they do not accept accountability. I know there are women out there who are at high risk who have nowhere they can go. I have heard similar stories from other domestic violence victims. Now I understand why so many women are dying in this country.

Like all police who have received complaints against them, Senior Constable Punchedard was investigated by his own colleagues in the QPS ethical standards unit. The government has ignored perhaps the most significant recommendation from the inquiry into police responses to domestic and family violence: to implement an independent police integrity unit led by a civilian, with civilian investigators, to deal with complaints relating to police.

We in Queensland give the police an inordinate amount of power over our lives and our communities. Tinkering around the edges while still allowing police to investigate themselves is simply not good enough. Despite some minor changes to internal disciplinary procedures, this bill does next to nothing to address the systemic police misconduct. This government, police leadership and the police union would like to sweep this under the rug and say that it is just a few bad apples, but the saying, as we all know, is that a few bad apples spoil the whole bunch. If this government wants to support communities and police, then it needs to get rid of the rot before the situation deteriorates further. While the rot continues, so too does the expansion of police powers.

The rationale behind the changes to police search powers in safe night precincts in the Police Powers and Responsibilities (Jack's Law) Amendment Bill is undeniably well intentioned. Knife crime in safe night precincts is rare, but when it happens the consequences can be absolutely tragic. I acknowledge the Beasleys' presence. I thank them for their appearance at the committee and acknowledge the unimaginable loss they have experienced.

I want to thank community members involved in advocating for safer nights out for our young people. To Jack's parents in particular, I just cannot imagine the grief that you must have felt and still feel to have lost your son to knife violence. Your fight to prevent this from happening to anyone else is absolutely commendable. While I understand and empathise with those welcoming these changes, I want to respectfully express my concern that they will not do what the government promises. The expansion of these wand and search powers to all safe night precincts and public transport was not recommended by the Griffith Criminology Institute's review of the trial. The review found some limited evidence during the initial trial that it increased detection of knife carrying in only one of the two locations, but it found no evidence of deterrence nor any evidence to suggest any significant effect on other violent offences. That is consistent with analysis of similar powers in other jurisdictions, including Victoria and the UK.

Having heard the stories of families who have lost loved ones to knife crime, I certainly do not want to underestimate the value of preventing even one fatality, but I worry about politicians claiming that these laws will do something for the community that, based on the evidence, they will not. I also worry about the evidence that these powers have led to thousands more young people being detained and charged for drug offences, many of whom would otherwise have never come to the attention of police. The Griffith review included interviews with police openly admitting that they used the powers to target people for nonviolent offences like drug possession. Regardless of your position on the morality of smoking a bit of pot or taking party drugs on a night out with friends, the evidence is clear: being exposed to the criminal justice system is destabilising, often traumatic and, where there is a damaging relationship between drugs and the user, interactions like this with the criminal justice system only exacerbate the issues that lead to substance abuse.

There is an incredibly low bar in this bill about where and when authorisation for these powers can be given. This will ultimately lead to a large amount of police resources being committed to searching persons without cause or suspicion, with limited efficacy and mostly for nonviolent offences. As a member of the committee considering this bill, I heard evidence from human rights experts that this bill unreasonably and unjustifiably limits human rights not just because it allows searches without reasonable suspicion but because there is insufficient evidence to suggest that it will achieve its objectives, the objectives used to justify that limitation—that is, these powers will breach human rights but they will probably not reduce knife crime.

I am also not convinced, given the findings of the recent inquiry into the QPS as well as a number of high-profile incidents of racial profiling, including the recent killing of Aubrey Donohue, that these new powers will be applied in a way that is not subject to racial bias by police officers. A number of whistleblowers have come forward in recent years alleging racism in the QPS. Late last year audio captured from inside the watch houses and police facilities was published in the media and much of what police officers were captured saying in these recordings is the exact kind of thing that the

Attorney-General says she wants to target with the new laws introduced this morning. If we want to stamp out Nazism and racism in Queensland, history suggests that we need to apply a really fine toothcomb to the QPS. The Police Service Administration and Other Legislation Amendment Bill (No. 2) fails to do that. We support those minor changes to prohibit the misuse of confidential information and improve dismissal processes for police, but we need to see more, including an independent police investigation body.

When it comes to the Jack's Law bill, we support the intent but we worry about the efficacy. There is justification for an extended trial to gather more information—more evidence—on these wandering powers, but that is because we still have no evidence that they actually work.

Opposition members interjected.

Mr BERKMAN: We have no evidence to indicate that they work to reduce knife crime. That is what the evidence says. There is no justification to expand suspicionless searches to more areas, especially when we know they are mostly being used to charge people for nonviolent offences like carrying—

(Time expired)